

**NAVAJO COUNTY**  
**MINUTES**  
**BOARD OF ADJUSTMENT MEETING**  
**December 11, 2002**

Board of Adjustment Members

**ATTENDED**

1. Bill Arendell, Chairman
2. Harry Hancock
3. Carla Bowen

**Staff Attendance**

1. Alan Knight, Code Enforcement Officer
2. David Ashton, Director
3. Mary Bradley, Secretary

**ABSENT**

Meeting held at the Board of Supervisors' Administration Conference Room, Holbrook, Arizona – Time 10:07 a.m.

**Bill Arendell** called the meeting of the Navajo County Board of Adjustment to order.

**Item #1: Variance:** Discussion and possible board action on a request by **Sara & Jerry Roberts**, for a variance to reduce the rear setbacks from 20' to 11' to allow a 48 x 28 manufactured home to remain in its present location. The home was incorrectly placed inside the setbacks because the CC&R's only required a 10' rear yard. Location: APN: 206-19-075, T12N, R17E, Section 29, 2136 Fisherman's Rd. in the Overgaard area. **Alan Knight** gave a case history of the project and presented maps showing the general area and site plan. The stated reason for this request is to reduce the rear setback from 20' to 11' to allow a 48 x 28 manufactured home to remain in its present location. The home was incorrectly placed inside setbacks because the CC&R's only required a 10' rear yard. Mr. Knight showed on the map the location of the seven people who were in favor of this project and the one person who was opposed. The reason the person cited for their opposition was that it reduces the effectiveness of the county's ordinances. Staff recommends approval eliminating the stipulation on the staff report because there is no entry door on the back of the property where it encroaches. **Lenora Ferguson** is the representative for Sara and Jerry Roberts. Ms. Ferguson said that the Roberts are in Saint Louis and they are taking care of her elderly mother. Ms. Ferguson said that the Roberts sold their home on 10 acres because their home was not wheel chair accessible. Ms. Ferguson explained that the Roberts went by the papers that came with the escrow when they brought the lot. Ms. Ferguson explained that the foundation is set on a 6 ½ " of 3000 re-barred concrete with a permanent plastic skirting. Ms. Ferguson said that the Roberts did go to Planning and Zoning for a permit. The mobile home dealer obtained the permit long after the slab had gone in and then placed the trailer on the slab with verifying the setbacks. **There was no public in attendance that came forward to speak in favor or opposition pertaining to this matter.** **Carla Bowen** explained that some of the mobile home dealers do create hardship for individuals. Ms. Bowen reminded the Board that the mobile home dealers are in the business to follow the requirements. Ms. Bowen said that when the Board had a huge onslaught of variances and use permits and they have some problems with some mobile home dealers that did not follow the requirements. Ms. Bowen said that is when the Board got tough and enforced the requirements. A motion was made by **Harry Hancock** to approve the Variance with the stipulation stated by staff. **Carla Bowen** reminded Mr. Hancock that staff asked that the stipulation be removed and if Mr. Hancock would like to amend his motion. **Harry Hancock** amended his motion to approve the Variance without any stipulations. **Carla Bowen** seconded the motion. Motion unanimously carried.

**Item #2: Variance:** Discussion and possible board action on a request by **Jack & Sandra Thompson**, for a variance to reduce the side setback from 10' to 2.5', and the rear setback from 20' to 2.5', in order to accommodate a 13' x 15' workshop on an under-sized lot with a 56' x 22' existing mobile home. Location: APN: 206-04-042, T12N, R17E, Section 19, 3322 Rim Lakes Dr. in the Overgaard area. **Alan Knight** gave a case history of the project and presented maps showing the general area and site plan. Mr. Knight explained that the shop would encroach into the setbacks if the variance were granted. Mr. Knight said that in this particular area it would not be noticeable a problem. Mr. Knight showed on the map the location

of the eight people who were in favor of this project and the one entity that was opposed to it. Mr. Knight explained that the Safeway Corporation is opposed to the variance because they feel that the setback would be too close to their property line and could potentially hinder their future development. Mr. Knight said the Lot is 60 x 90 and is consider small. This was tabled in September and Development Services is reopening this case because we had made some determinations about the property that we did not know before. Mr. Knight explained that they were concerned with the proposed workshop being over the leach line. Mr. Knight showed where the tank and leach line are located on the map. Mr. Knight showed on the map where a large pine is situated and gave his opinion that it would be too expensive to remove it. Mr. Knight showed on the map where the previous owners planned on building, placed four piers. The Building Department informed the previous owner that he would need to apply for a building permit, and before the building permit would be issued the owner would need to apply for a variance. Mr. Knight explained that the previous owners never applied for a variance and that the piers are still there. Staff recommends approval with stipulation. **Jack Thompson** was in attendance. Mr. Thompson explained that he would like someplace to put his tools and is concerned about the snow ruining his equipment. Mr. Thompson explained that presently he has a tent which he stores his tools. **There was no public in attendance that came forward to speak in favor or opposition pertaining to this matter** A motion was made by **Carla Bowen** to approve the variance with the stipulation stated by staff. ***RECOMMENDED STIPULATION: 1. A building permit must be obtained before construction can begin.*** **Harry Hancock** seconded the motion. Motion unanimously carried.

**Item #3: Use Permit:** Discussion and possible board action on a request by **Janet Folliott**, for a use permit to allow the use of the present residence as a guesthouse after a new house is built on the same 5-acre parcel. Location: APN: 212-18-037, T9N, R22E, Section 22, 2569 McNeil Rd., in the Lakeside area. **Alan Knight** gave a case history of the project and presented maps showing the general area and site plan. The stated reason for this request is to allow the present residence to become a guesthouse after a new house is built on the same parcel. Mr. Knight cited the 70% rule (square footage of the guesthouse cannot exceed 70% of the primary residence. Mr. Knight said that is included as a stipulation. Mr. Knight stated that staff had not received any letters in opposition and had received one letter in favor. Staff recommends approval with stipulations. **William Folliott** was present and he was representing his wife Janet Folliott. **There was no public in attendance that came forward to speak in favor or opposition pertaining to this matter.** A motion was made by **Harry Hancock** to approve the use permit with the stipulations stated by staff. ***RECOMMENDED STIPULATIONS: 1. Building permits must be obtained prior to construction. 2. Neither residence shall ever be used as a rental. 3. Square footage of guesthouse cannot exceed 70% of primary residence.*** **Carla Bowen** seconded the motion. Motion unanimously carried.

**Item #4: Variance:** Discussion and possible board action on a request by **Philip & Belle Bellini** to reduce the rear setback from 20' to 10', to allow enlargement of the garage. Location: APN: 211-63-070, T8N, R23E, Section 02, 6194 Mark Twain Dr., in the Pinetop area. **Alan Knight** gave a case history of the project and presented maps showing the general area and site plan. Mr. Knight said that he received one letter in favor from the property owner that this would affect most and none in opposition. Mr. Knight said that Mr. Bellini owns the other property. Mr. Knight stated that he has a letter from the Home Owners Association stating that they would approve the variance pending the county's approval. Staff recommends approval with a stipulation. **Philip & Belle Bellini** was not present. **There was no public in attendance that came forward to speak in favor or opposition pertaining to this matter.** **Carla Bowen** said that she had driven by the property and there would not be any impact on the property. A motion was made by **Carla Bowen** to approve the variance with the stipulation stated by staff. ***RECOMMENDED STIPULATION: 1. Building permit must be obtained prior to construction.*** **Harry Hancock** seconded the motion. Motion unanimously carried.

**Item #5: Use Permit:** Discussion and possible board action on a request by **Charles & Betty Bowman** to allow a second residence on the same 40 acre parcel to house an elderly relative in need of care. Location: APN: 203-54-016, T14N, R23E, Section 4, 9360 Butler Rd., near the Concho Hwy. **Alan Knight** gave a case history of the project and presented maps showing the general area and site plan. The stated reason for this request is to allow the placement of a modular home to house an aging relative on the same 42-acre parcel. Mr. Knight said that the area is sparsely populated and that the Bowman's property is a show place. Mr. Knight explained that you could only see the top of the roof since there is a swell that you drive over, from the road you will not be able to see the modular home. Mr. Knight then mentioned that there would not be any impact to the neighborhood. Staff recommends approval with stipulations. **Charles & Betty Bowman was not in attendance. No one came forward to speak in favor of the project.** **Jack Tobin** spoke in opposition. Mr. Tobin asked why the applicant couldn't split up their property instead of having two residences on one parcel. Mr. Tobin also asked what would happen to this residence after the person who needs care goes away. Mr. Tobin other concern was that the property could be turned into a rental. **Alan Knight** said that the modular could never be used as a rental and this is addressed in the stipulations. Mr. Knight explained that after the residence left or was deceased than the applicant would have to make other arrangements. Mr. Knight said that sometimes, what people do is tear up the kitchen, and use it as a storage building and other times, they may apply for a use permit for it to be used as a guesthouse. Mr. Knight said that the applicant would have to apply all over again for a use permit if they wanted the modular home to be used as a guesthouse. Mr. Knight said the best

way to police this is for the neighbors to keep staff informed on any improprieties. Carla Bowen said that she sees this happen on larger parcels and the reason people don't want to split the parcel is that it is only a temporary situation. Ms. Bowen said that this makes it much easier and the mobile home could be moved off at anytime. Ms. Bowen said if the regulations are abused or misused then the permit is pulled and the applicant must remove the mobile home. A motion was made by Carla Bowen to approve the use permit with the stipulations stated by staff. **RECOMMENDED STIPULATIONS:** *1. Septic System will be properly permitted and installed, and/or certified by licensed contractor. 2. Neither residence shall ever be used as a rental. 3. All set-up permits secured prior to placement of Manufactured home.* Harry Hancock seconded the motion. Motion unanimously carried.

**Item #6: 2003 Schedule:** Possible approval of the Board of Adjustment schedule for the year 2003. A motion was made by Carla Bowen to approve the 2003 meeting schedule. Harry Hancock seconded the motion. Motion unanimously carried.

**Item #7:** Possible approval of the minutes for the **September 11, 2002** meeting. A motion was made by Bill Arendell to approve the minutes. Harry Hancock seconded the motion. Motion unanimously carried.

**Item #8:** Board Members comments and/or directions to staff. Board Members may use this time to offer additional comments regarding any item on this agenda or any other topic, and the Board may direct Development Services Department staff to study or provide additional information on topics of the Boards choosing.

With there being no further business to come before the Board of Adjustment, the meeting was adjourned at 10:55 a.m. A motion was made by Harry Hancock to adjourn. Carla Bowen seconded the motion. Motion unanimously carried.

The Board reserves the right to adjourn into an executive session when needed, per A.R. S. 38-431.03 (A)(3) for legal counsel on the above matter.

NOTE: A copy of the agenda background material provided to the Board Members (with exception of material relating to possible executive sessions) is available for public inspection at the Development Services Office, Navajo county Complex, Holbrook, Arizona, and Monday through Friday, 8:00 a.m. to 5:00 p.m.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Signed: \_\_\_\_\_  
**Chairman, Navajo County  
Board of Adjustment**

**ATTEST:**

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**Development Services Secretary**